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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,729	07/26/2001	David Brown	P 5256.11003	9441
30615 7590 05/16/2008 BIRDWELL & JANKE, LLP 1100 SW SIXTH AVENUE SUITE 1400 PORTLAND, OR 97204				
EXAMINER ROSWELL, MICHAEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/916,729

Applicant(s)

BROWN ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42, 44-46, 50-64, 68-99, 103-117, 121-123 and 125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 44-46, 50-64, 68-99, 103-117, 121-123 and 125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 42, 44-46, 52, 54-60, 62-64, 68, 71-77, 79-81, 83-84, 86-88, 90-96, 103-105, 107-113, 115, 121-123 and 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman et al (US Patent 4,937,743), hereinafter Rassman and Subas et al (US Patent 5,247,438), hereinafter Subas.

Regarding claim 42, Rassman teaches displaying a on a video display device a plurality of unique combinations of time-slots and unscheduled appointments such that a plurality of said unscheduled appointments are overlapping in time (taught as the display of a schedule in two dimensions, where time is located on the Y-axis, and resources, or potential appointments, are located on the X-axis, at col. 8, lines 44-52, and seen in Fig. 1, and further taught at col. 7, lines 31-60. The unscheduled appointments can be seen to be overlapping in time at Fig. 1, as the 7:30 time-slot has empty [unscheduled] appointments for "Rm 3", "Doc a" and "Mic x").

However, Rassman fails to explicitly teach providing, for each of said unique combinations of time-slots and unscheduled appointments, a clickable space, and clicking a first one of the clickable spaces to select a first one of the overlapping unscheduled appointments and thereby schedule the appointment.

Subas teaches a "personal time management system" that allows for the input and display of scheduled events and related time-slots, similar to those of Rassman.

Furthermore, Subas teaches providing, for each of said unique combinations of time-slots and unscheduled appointments, a clickable space, and clicking a first one of the clickable spaces to select a first one of the overlapping unscheduled appointments and thereby schedule the appointment, taught as the selection of empty time-slot/consultant pairs through a simple click interface, at col. 2, lines 35-47.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Rassman and Subas before him at the time the invention was made to modify the appointment scheduler of Rassman to include the click-selection interface of Subas.

One would have been motivated to make such a combination for the advantage of scheduling events without the need to bring up a secondary menu screen. See Subas, Abstract. Furthermore, Rassman invites such a simple interface for inputting scheduling data, taught as the inputting, modifying, handling, and accessing of data through known methods and techniques, such as selecting an area on a display with a mouse, at col. 4, lines 20-35.

Regarding claims 44 and 45, Rassman and Subas teach coding the first space with a first predetermined code to indicate the selection, and the first code being a color, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18 of Rassman.

Regarding claim 52, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the combinations, at col. 4, lines 20-35 and seen in Fig. 1 of Rassman.

Regarding claim 55, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the

combinations, further comprising clicking at least two adjacent time-slots as a result of the clicking, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 56, Rassman and Subas teach the first space being associated with a first time-slot and the clicking comprising clicking in the first space and dragging over a second space associated with at least one other time-slot, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 57, Rassman and Subas teach coding the first and second spaces with the same code, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18, and seen in Fig. 1 of Rassman.

Regarding claims 62 and 63, Rassman and Subas teach coding the first space with a first predetermined code to indicate the selection, further wherein the first code includes a color, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18.

Regarding claim 72, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the combinations, further comprising selecting at least two adjacent time-slots as a result of the clicking, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 73, Rassman and Subas teach the first space being associated with a first time-slot and the clicking comprising clicking in the first space and dragging over a second

space associated with at least one other time-slot, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 74, Rassman and Subas teach coding the first and second spaces with the same code, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18, and seen in Fig. 1 of Rassman.

Regarding claims 46 and 64, Rassman and Subas teach the use of menus for changing various display features of the invention, at col. 14, lines 40-47 of Rassman. While Rassman and Subas do not explicitly teach the display of an icon, and clicking on the icon for changing the code, it is notoriously well known in the art that selected menu items may have the same functionality as selected icons, and are often used interchangeably, for the purpose of faster access to widely used functions or features of an application.

Regarding claims 58 and 75, logging on to a computer is notoriously well known in the art. Similar appointment software such as Microsoft Outlook teach the ability to store appointment data over multiple work sessions, and maintains the information after an initial step of clicking in a time-slot, and a second log-on to a computer. Furthermore, Rassman has been shown to teach the use of well known interface manipulation techniques for entering and accessing relevant data.

Regarding claims 54, 59, 60, 71, 76 and 77, it is notoriously well known that appointments, in software such as that used by Rassman and Subas, may be scheduled for any number of reasons in order to remind the user of upcoming events. These appointments need

not be application specific, as Rassman and Subas allow the user to type in any information pertaining to an upcoming event. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to information that is user-specific and may be entered into the appointment system of Rassman and Subas to remind the user of an upcoming event.

Regarding claim 79, Rassman and Subas teach the clickable spaces being within cells defined by the intersections of rows and columns, each cell corresponding to one of the combinations, further comprising clicking at least two adjacent time-slots as a result of the clicking, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 80, Rassman and Subas teach the first space being associated with a first time-slot and the clicking comprising clicking in the first space and dragging over a second space associated with at least one other time-slot, taught as the use of well known selection techniques, at col. 4, lines 20-35 of Rassman.

Regarding claim 81, Rassman and Subas teach coding the first and second spaces with the same code, taught as the graphical indication of a scheduling, status, or conflict, at col. 6, lines 11-18, and seen in Fig. 1 of Rassman.

Regarding claim 83, Subas teaches providing a visual indication distinctive of the selection of the video display device, as can be seen in Fig. 2 and col. 2, lines 41-47.

Regarding claims 84, 86-88, 90-96, 103-105, 107-113, 115, 121-123 and 125, Subas is shown to teach at col. 2, lines 35-47 clicking being a single click, wherein the first clickable space is a single clickable space.

Claims 50-51, 53, 61, 68-70, 78, 82, 85, 89, 97-99, 106, 114, 116 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman, Subas, and Rasansky (US Patent 5,960,406).

Regarding claims 50-51, 61, 68-69, and 78, Rassman and Subas teach displaying a plurality of time-slots and, for each of the time-slots, at least one potential appointment (taught as the display of a schedule in two dimensions, where time is located on the Y-axis, and resources, or potential appointments, are located on the X-axis, at col. 8, lines 44-52, and seen in Fig. 1), providing, for each unique combination of the time-slots and potential appointments, a clickable space, and clicking a first selected one of the clickable spaces to select a first one of the combinations and thereby schedule the corresponding appointment (taught as the inputting, modifying, handling, and accessing of data through known methods and techniques, such as selecting an area on a display with a mouse, at col. 4, lines 20-35). However, Rassman and Subas fail to explicitly teach blocking the clickable space associated with another of said overlapping unscheduled appointments so that the other overlapping unscheduled appointment cannot be selected by the user.

Rasansky teaches an appointment system similar to that of Rassman and Subas. Furthermore, Rasansky teaches allowing an administrator of the system interacting with a second display to enter identifying information into the system, taught as the manipulation of the Database Subsystem by an administrator using the Administration Subsystem, which stores all

persistent information pertaining to client accounts and calendars. See Rasansky, col. 7, lines 63-67 and col. 8, lines 1-16. Administrators of various systems are well known to have access to functions and features not available to a user that allow for the monitoring and restriction of data to a user, and would therefore be capable of blocking a clickable space associated with another of said overlapping unscheduled appointments so that the other overlapping unscheduled appointment cannot be selected by the user.

Therefore it would have been obvious to one of ordinary skill in the art, having the teachings of Rassman, Subas and Rasansky before him at the time the invention was made to modify the appointment system of Rassman and Subas to include the administration system of Rasansky.

One would be motivated to make such a combination for the advantage of data monitoring, user access control, and other various features an administrator has over a system.

Regarding claims 53, 70, and 82, Rasansky, Rassman and Subas teach sending an e-mail and communicating by telephone to confirm an event, taught as the use of methods such as phone, fax, e-mail and pager to notify a user of a confirmation, at col. 8, lines 17-21 of Rasansky.

Regarding claims 85, 89, 97-99, 106, 114, 116 and 117, Subas is shown to teach at col. 2, lines 35-47 clicking being a single click, wherein the first clickable space is a single clickable space.

Response to Arguments

Applicant's arguments filed 16 January 2008 have been fully considered but they are not persuasive.

Applicant has amended the claims to include the limitation "overlapping unscheduled appointments". However, as demonstrated above, such a limitation is at least disclosed by Rassman, at Fig. 1, as the 7:30 time-slot has empty [unscheduled] appointments for "Rm 3", "Doc a" and "Mic x".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571)272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Michael Roswell
5/13/2008